

**Minutes of: LICENSING HEARING PANEL**

**Date of Meeting:** 20 January 2014

**Present:** Councillor (in the Chair)  
Councillors D Cassidy, D Jones and B Vincent

**Also in attendance:**

**Public Attendance:** No members of the public were present at the meeting.

**Apologies for Absence:**

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**831 DECLARATIONS OF INTEREST**

No declarations of interest were made in relation to any items considered at the meeting.

**832 APPLICATION TO VARY THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE LONGSIGHT SERVICE STATION, LONGSIGHT ROAD, GREENMOUNT, BURY, BL8 4DB**

Prior to the Hearing the authority received an application submitted by the Applicant. The application was for a variation of a Premises Licence under Part 3 of the Licensing Act 2003 to extend the hours for the retail sale of alcohol and add the provision of late night refreshment to the licence.

A report was presented to the Members of the Panel by the Licensing Unit Manager. Representations in respect of the application were received within the appropriate period from 2 ward Councillors, namely, Councillors Daly and Gunther.

The Licensing Manger reported that a representation from Greater Manchester Police (GMP) had been withdrawn prior to the Hearing as a result of discussions with the premises licence holder. GMP had agreed to withdraw the representation subject to the following condition being attached to the licence:

"That the entrance door to the shop will be closed to customers between 24.00 and 06.00. Any sales between these hours will be made through a night pay window".

All written representations were contained within the report to Panel. All documentary evidence comprising the application, report provided with the agenda and representations were served on all parties in advance of the Hearing.

The Panel heard oral representations from the Applicant's legal representative, Mr Robert Botkai, and from the Area Manager of premises licence holder Rontec Watford Limited, Mr Peter McClean.

The Panel then heard representations from Councillor Daly and Councillor Gunther in their capacity as local Ward Councillors.

The Panel heard no other representations.

The Panel asked questions of the Licensing Unit Manager, the Applicant and Ward Councillors.

All parties were offered the opportunity to question the Licensing Unit Manager, the Applicant and vice versa.

The Applicant and Ward Councillor's were given the opportunity to sum up their respective cases.

The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in June 2013.

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

### **FINDINGS**

1. That the premises operates as a convenience store selling various groceries as well as fuel.
2. That GMP had originally made representations in relation to the application, but had withdrawn these upon agreement that an additional condition be attached to the licence regarding closure of the main door to the premises. The basis of their original concerns regarding the premises were not known.

3. That the premises currently closes its main doors and shutters at 11pm and conducts all transactions after that time through the night pay window.
4. The Panel noted that there was no evidence presented of problems or complaints relating to under age sales of alcohol from the premises.
5. That the premises operates a strict Challenge 25 Policy and refusals log within the terms of its current licence.
6. That there was no evidence presented of problems or complaints reported to the Police in respect of sales of alcohol from the premises, in connection with crime and disorder, anti-social behaviour or any other matter.
7. That there were no representations in relation to the application from responsible authorities or local residents.
8. The Panel found that, on balance and after due consideration, that no evidence had been provided to suggest that the proposed variation to the premises licence would inhibit or otherwise impact the promotion of the four licensing objectives.

### **DECISION**

Having heard from the Licensing Unit Manager, the Applicant and the 2 Ward Councillors objecting to the application and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows:

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found there were no causes for concern so far as the promotion of the four Licensing Objectives were concerned.

The Panel were mindful of Section 3.3 of the Council's Licensing Policy which states that "Off sales of alcohol in shops, stores and supermarkets etc. will generally be permitted during the normal hours they wish to open, in accordance with the hours granted in the planning consent. However in the case of individual premises, which are a focus for disorder and disturbance then, subject to representations, limitations may be appropriate. The Authority recognises the special position of restaurants or other premises where the sale of alcohol is incidental to the main licensable activities at the premises".

The Panel concluded that there had been no evidence provided to suggest that the premises are a focus for disorder and disturbance.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **to Grant the Application for the Variation to the Premises Licence** as set out in the original application, subject to inclusion of the pre-agreed condition with GMP, namely:

"That the entrance door to the shop will be closed to customers between 24.00 and 06.00. Any sales between these hours will be made through a night pay window".

The parties were notified of the right to appeal the decision to the Magistrates' Court within 21 days.

**COUNCILLOR**  
**Chair**

**(Note: The meeting started at Time Not Specified and ended at Time Not Specified)**